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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/502,407	02/10/2000	Harry A. Glorikian	P690CIP1	5124

24739 7590 11/14/2003

CENTRAL COAST PATENT AGENCY  
PO BOX 187  
AROMAS, CA 95004

EXAMINER

CARDONE, JASON D

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 11/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/502,407

Applicant(s)

GLORIKIAN, HARRY A.

Examiner

Jason D Cardone

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: See Attached Office Action.

### **DETAILED ACTION**

1. This action is responsive to the amendment of the applicant (Paper No. 6) filed on 10/15/03. Claims 1-7 are presented.

#### ***Priority***

2. An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification of in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). The specific reference to any prior nonprovisional application must include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.

#### ***Drawings***

3. The drawings are objected to because in Figures 1, 5 and 7, legend number 13 is suggested to be "Geographic" Information Server. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Specification***

4. The disclosure is objected to because of the following informalities:

Page 28, line 17: "I" is suggested to be "In".

Page 35, line 25, "serve rthan" is suggested to be "server than".

Appropriate correction is required.

5. Claim 7 is objected to because of the following informality:

"the the position" is suggested to be "the position".

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Mikkola et al. (hereinafter Mikkola), U.S. Patent No. 6,529,143.

8. Regarding claim 1, Mikkola discloses multi-dimensional information repository, comprising: a plurality of stored data entities identified according to one or both of position and change in position [ie. point of interest (POI) records having position and direction (change in position), Mikkola, col. 7, lines 39-63 and col. 8, lines 5-24];

a data retrieval system [ie. POI data server, col. 6, lines 28-58];

characterized in that the data entities are selected for retrieval by the retrieval system according to one or both of the position and change in position [Mikkola, col. 8, lines 5-24 and col. 10, lines 32-62].

9. Regarding claim 2, Mikkola further discloses the change in position comprises one or both of direction and rate of change [Mikkola, col. 8, lines 5-24 and col. 12, lines 1-17].

10. Regarding claim 3, Mikkola further discloses individual ones of the plurality of data structures are identified according to human-interest categories in addition to the position and change of position [ie. class groupings, Mikkola, col. 7, lines 39-53].

11. Regarding claim 4, Mikkola discloses an Internet-connected subscription server system, comprising: a data repository having data entities identified and selectable according to position and change in position [ie. point of interest (POI) records having position and direction (change in position), Mikkola, col. 7, lines 39-63 and col. 8, lines 5-24];

a communication module for receiving data requests accompanied by position data [Mikkola, col. 6, lines 28-58]; a code set for managing retrieval of information from the data repository in response to the data requests [Mikkola, col. 6, lines 28-58 and col. 10, line 63 – col. 11, line 13];

characterized in that the system, receiving a data request, uses the position data accompanying the request and change in position to select data entities to retrieve [Mikkola, col. 8, lines 5-24 and col. 10, lines 32-62].

12. Regarding claim 5, Mikkola further discloses the change in position comprises one or both of direction and rate of change [Mikkola, col. 8, lines 5-24 and col. 12, lines 1-17].

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mikkola, in view of Tso et al. (hereinafter Tso), U.S. Patent No. 6,047,327.

15. Regarding claim 6, Mikkola discloses the system maintains data requests identify individual users [Mikkola, col. 6, lines 46-58, col. 10, line 63 – col. 11, line 12, and col. 11, lines 52-62], data entities are identified according to interest categories [ie. class groupings, Mikkola, col. 7, lines 39-53] and the system accesses data entities at least in part according to interests of the user initiating the data request [ie. retrieve POI in accordance to the interest of the user, Mikkola, col. 4, lines 25-59]. Mikkola does not specifically disclose the system stores and maintains subscriber information profiles,

which include subscriber interests. However, Tso, in the same field of mobile information retrieval endeavor, discloses an Infocast server (similar, in function, to the Internet-server of Mikkola) storing and maintaining subscriber information profiles, including subscriber interests [Tso, col.4, lines 34-53, col. 10, lines 41-61 and col. 15, lines 41-51]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a subscriber profile database, disclosed by Tso, into the server, disclosed by Mikkola, by adding the profile database to the multiple databases within the server, in order to add more criteria to dynamically adjust the requested information better [Tso, col. 1, lines 7-10 and lines 44-52].

16. Regarding claim 7, Mikkola discloses the data repository is a first data repository local to the Internet server [ie. mass storage (database), Mikkola, col. 6, lines 28-46]. Mikkola does disclose an electronic phone book that can be accessed remotely by the user to retrieve data according to user interests and the position and change in position [Mikkola, col. 14, line 26 – col. 15, line 16]. Mikkola does not specifically disclose the system, through the code set, accesses remote Internet-connected information sources, and retrieves information from the remote sources according to stored client interests and the position and change in position. However, Tso, in the same field of mobile information retrieval endeavor, discloses the Infocast server (similar, in function, to the Internet-server of Mikkola) accesses remote Internet-connected content providers (information sources), and retrieves information from the remote providers according to stored client interests and the position and change in position [Tso, col. 5, lines 31-53]

and col. 6, lines 21-36]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a remote content providers, disclosed by Tso, into the system, disclosed by Mikkola, by adding the server content database to the multiple databases within the server, in order to have a large information pool to retrieve information [Tso, col. 1, lines 53-65].

### ***Response to Arguments***

17. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. “

Kottkamp et al., “Location-aware query processing in mobile database systems”, discloses data retrieval based on wireless location.

Yoon et al., “COPEN: a COBRA-based intelligent push-engine”, discloses retrieval of Internet information based on user interests.

Ruggaber et al., “Using WAP as the enabling technology for COBRA in Mobile and wireless environments”, discloses the use of COBRA with WAP.

Souissi. et al., U.S. Patent No. 6,091,959, discloses location-based message transmission for wireless subscribers.



Giniger, U.S. Patent No. 6,199,045, discloses wireless position related information.

Tankersley, U.S. Patent No. 6,392,661, discloses position and change in position (distance and velocity) related wireless maps.

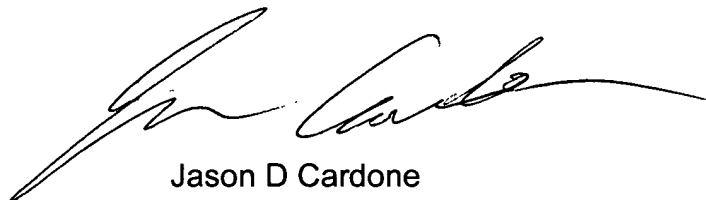
Miloslavsky, U.S. Patent No. 6,418,146, discloses wireless users retrieving Internet information with an WAP-SP (service provider).

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D Cardone whose telephone number is (703) 305-8484. The examiner can normally be reached on Mon.-Thu. (9AM-6PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on (703) 305-9703. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, appearing to read 'Jason D Cardone', is written over a horizontal line.

Jason D Cardone  
Examiner  
Art Unit 2142

November 10, 2003